

6-11-07

In re. Application of

ADDINGTON, RANDALL A., et al.,  
Serial No. 09/396,531  
Filed Sept. 15<sup>th</sup>, 1999  
Docket 99-1001  
Title: BOWLERS FINGER SHIELD

To; Mail Stop 16  
Director of the US Patent and Trademark Office  
PO Box 1450  
Alexandria, VA 22313-1450

#### REFUND REQUEST

##### I. Refund Request Authority

1. Applicants make this refund request on the authority of the DECISION ON PETITION, June 04, 2007, stating

No fee is required. The applicant may file a request for refund of the \$400.00 petition fee.

(See Decision On Petition, lines 12-13)

##### II. Background

2. Applicants filed their Petition on March 7<sup>th</sup>, 2005. (See DECISION ON PETITION, June 04, 2007 , Page 2, Paragraph No. 9.)

3. Applicants paid the Petition Fee of \$400.00, concurrently with the filing of their Petition (See Applicant's Petition filed March 07, 2005.)

4. The DECISION ON PETITION, June 04, 2007, recited "No fee is required."  
(See Paragraph 1, above)

5. The DECISION ON PETITION, June 04, 2007 expressly invited applicants to file a request for refund.  
(See Paragraph 1, above)

##### III. Refund Request

6. Applicants request a refund of the \$400.00 petition fee paid (See Paragraph 3, above),

7. Applicants request refund payment be made to the attorney of record,

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Respectfully,  
/joelrosenblatt/  
Joel I. Rosenblatt



Handwritten initials: DAF, AZ, CC

Application Number: 09/396,531

Group Art Unit: 3711

Filing Date: 9/15/99

Examiner Name: William Pierce

Inventors: Randall Addington et al.

Attorney Docket No.: 99-1001

Title: Bowler's Aid

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

37 C. F. R. 1.181 Petition

I.

This Petition Is Timely Filed

1. This Petition is for relief from the decision of examiner, mailed 1/26/2005.

Refund Ref: 06/20/2007 0030041947

II.

Credit Card Refund Total: \$400.00

Summary of Petition Statement and Relief Requested

2. Summary of Facts and Relief Requested

Am Exp.: XXXXXXXXXXXX1004

A. Summary

Examiner, issued a Second Final Action, 01-26-2005, over a year and a half after the First Final Action, 6-26-2003. The 01-26-2005 Final Action (Second Final Action)

1. unlawfully moved the prosecution back in time to 06-18-2003, by reissuing the Office action 06-1-26-2003 (First Final Action), as the new current substantive office action, contrary to the Decision on Petition 10-2-2003. The Decision on Petition 10-2-2003, gave applicants the option and right to advance their appeal, on the record at that time, inclusive of the First Final Action, the Amendment After Final, and Advisory Action; and

2. unlawfully removed from the record and from applicants' pending appeal, the Amendment After Final Rejection 06-25-2003, Advisory Action 07-15-2003, Notice of Appeal 09-17-2003, and Appeal Brief 10-24-2003 and Appeal Brief Supplement 10-27-2003.

3. Examiner's asserted grounds for going back in time, and restarting prosecution on the basis of the 6-18-2003 Office action has no justification in the record or by law. The Decision on Petition, dated 10-2-2003, is limited to expunging examiners defamatory remarks against applicants and applicants' counsel, and reissuing the

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Adjustment date: 06/20/2007 SFELEKE1  
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